



BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY  
FEDERAL ENERGY REGULATORY COMMISSION

Pennamaquan Tidal Power LLC

Project No. 13884-001

NOTICE OF INTENT TO FILE LICENSE APPLICATION, FILING OF PRE-APPLICATION DOCUMENT (PAD), COMMENCEMENT OF PRE-FILING PROCESS AND SCOPING; REQUEST FOR COMMENTS ON THE PAD AND SCOPING DOCUMENT, AND IDENTIFICATION OF ISSUES AND ASSOCIATED STUDY REQUESTS

- a. Type of Filing: Notice of Intent to File License Application for an Original License and Commencing Pre-filing Process
- b. Project No.: 13884-001
- c. Dated Filed: July 19, 2012
- d. Submitted By: Pennamaquan Tidal Power LLC (Pennamaquan Power)
- e. Name of Project: Pennamaquan Tidal Power Plant Project
- f. Location: On the Pennamaquan River at the entrance to Cobscook Bay in the Town of Pembroke, Washington County, Maine. The project would not occupy federal lands.
- g. Filed Pursuant to: 18 CFR Part 5 of the Commission's Regulations
- h. Applicant Contact: Andrew Landry, 45 Memorial Circle, P.O. Box 1058, Augusta, ME 04332. 207-623-5300.
- i. FERC Contact: Nicholas Palso, Ph.D. at (202) 502-8854 or email at [nicholas.palso@ferc.gov](mailto:nicholas.palso@ferc.gov).
- j. Cooperating agencies: Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o. below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

- k. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.
- l. With this notice, we are designating Pennamaquan Power as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act, section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, and section 106 of the National Historic Preservation Act.
- m. Pennamaquan Power filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.
- n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCONlineSupport@ferc.gov](mailto:FERCONlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

- o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission. Documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an

original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

All filings with the Commission must include on the first page, the project name (Pennamaquan Tidal Power Plant Project) and number (P-13884-001), and bear the appropriate heading: "Comments on Pre-Application Document," "Study Requests," "Comments on Scoping Document 1," "Request for Cooperating Agency Status," or "Communications to and from Commission Staff." Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by November 13, 2012.

- p. We intend to prepare an environmental assessment (EA) for this project. The scoping meetings identified below satisfy the NEPA scoping requirements.

#### Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

##### Daytime Scoping Meeting

Date: Friday, October 26, 2012

Time: 1:00 p.m.

Location: Maine Department of Environmental Protection  
Eastern Maine Regional Office  
106 Hogan Road, Bangor, Maine 04401

Phone: (207) 941-4570

##### Evening Scoping Meeting

Date: Thursday, October 25, 2012

Time: 6:00 p.m.

Location: Pembroke Elementary School Gymnasium  
36 U.S. Route 1  
Pembroke, Maine 04666

Phone: (207) 726-5564

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the

Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at <http://www.ferc.gov>, using the "eLibrary" link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

### Site Visit

Pennamaquan Power will conduct a site visit for the proposed project on Thursday, October 25, 2012, starting at 1:00 p.m. The site visit will begin at the boat ramp parking lot on Boat Landing Road (off of Garnet Head Road), Pembroke, Maine 04666. For information about the meeting location for the site visit, please call Ramez Atiya from Pennamaquan Power at 801-583-1054.

### Meeting Objectives

At the scoping meetings, staff will: (1) initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

### Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: September 14, 2012

Kimberly D. Bose,  
Secretary.

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Date: 09/20/2012]